

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ROME DIVISION**

**PHILLIP WAYNE KOGER,**

**Plaintiff,**

**v.**

**GREGGORY CARSON, individually;  
STEPHEN BAGLEY, individually;  
TODD COOK, individually; JAMES  
DAVIS, individually; DYLAN  
FLOYD, individually; and  
ANTHONY LAWSON, individually;**

**Defendants.**

**CIVIL ACTION FILE  
NO. 4:18-cv-00053-HLM**

**REPLY TO PLAINTIFF’S RESPONSE TO MOTION TO DISMISS OF  
PLAINTIFF’S AMENDED COMPLAINT AS TO TODD COOK**

**COMES NOW** Todd Cook and asserts as follows:

Deputy Cook concedes that the Court’s Order of December 6, 2018 (Doc. 112), is applicable to his pending Motion to Dismiss and that his Motion may be more appropriately addressed in a summary judgment posture. However, he requests the Court consider qualified immunity at this stage of the proceedings. The arguments on qualified immunity have been set out previously in the Motion to Dismiss. (Doc. 128).

The Defendant requests that Qualified immunity be applied in this matter, and that all claims against Deputy Cook be dismissed in this matter, and for any and all other relief to which he may be entitled.

Respectfully submitted,

**LEITNER, WILLIAMS, DOOLEY  
& NAPOLITAN, PLLC**

By: /s/ James Exum  
**JAMES F. EXUM, GA BAR #954516**  
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**STATEMENT OF COMPLIANCE**

In accordance with L.R. 5.1, I certify that this brief has been produced using 14 point, Times New Roman with double spaced lines except for allowable single spaced matter.

/s/James F. Exum

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day electronically submitted the foregoing to the Clerk of Court using the CM/ECF system which will automatically send electronic mail notification of such filing to counsel of record who are CM/ECF participants. Counsel of record are:

<p>Luke A. Evans, Esq. Heather G. Parker, Esq. BULLOCK, FLY, HORNSBY &amp; EVANS 302 North Spring Street PO Box 398 Murfreesboro, TN 37133-0398</p> <p>Christopher R. Stanford, Esq. Christina S. Stanford, Esq. THE STANFORD LAW FIRM, PLLC 103 West High Street Manchester, Tennessee 37355</p> <p><i>Attorneys for Plaintiff</i></p>	<p>Erin S. Corbett, Esq. BULLARD &amp; WANGERIN, LLP 2960 Riverside Drive, Suite 280 P.O. Box 18107 Macon, Georgia 31209 <i>Local counsel for Plaintiff</i></p> <p>Gwendolyn D. Havlik, Esq. Stevan A. Miller, Esq. DREW ECKL &amp; FARNHAM – ATL 303 Peachtree Street NE, Suite 3500 Atlanta, GA 30308 <i>Attorneys for Defendant Anthony Lawson</i></p>
<p>Dana K. Maine, Esq. FREEMAN MATHIS &amp; GARY, LLP 100 Galleria Parkway Suite 1600 Atlanta, Georgia 30339-5948 (770) 818-0000 (telephone) (770) 937-9960 (facsimile)</p>	<p>Bryan H. Hoss, Esq. DAVIS &amp; HOSS, P.C. 850 Fort Wood Street Chattanooga, TN 37403 <i>Attorney for Defendant Gregory Carson, individually</i></p>

This 21<sup>st</sup> day of March, 2019.

/s/James Exum